
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Central Valley Educational Services, Inc.)	File No.: EB-FIELDWR-13-00012922
Permittee of Radio Station KYAF)	
)	NOV No.: V201432960008
)	
Firebaugh, CA)	Facility ID.: 9993
)	

NOTICE OF VIOLATION

Released: January 30, 2014

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Central Valley Educational Services, Inc., permittee of radio station KYAF in Firebaugh, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On November 21, 2013, an agent of the Enforcement Bureau's San Francisco Office attempted to inspect the KYAF main studio located in Firebaugh, California and observed the following violations:

- a. 47 C.F.R. § 73.1125(a): "...each AM, FM, and TV broadcast station shall maintain a main studio..." The Commission has interpreted this rule to require a station to "equip the main studio with production and transmission facilities that meet applicable standards, maintain continuous program transmission capability, and maintain a meaningful management and staff presence."³ The Commission has stated that "a main studio must, at a minimum, maintain full-time managerial and full-time staff personnel."⁴ The licensees need not have the same staff

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026 (1988) (*Main Studio and Program Origination Rules*), *erratum issued*, 3 FCC Rcd 5717 (1988) (correcting language in n.29).

⁴ *See Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 & n.2 (1991) (noting that, "This is not to say that the same staff person and manager must be assigned full-time to the main studio. Rather, there must be management and staff presence on a full-time basis during normal business hours to be considered 'meaningful.'"), *clarified*, 7

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person and manager at the studio, as long as there is management and staff presence during normal business hours.” At the time of inspection the agent found the door to the main studio was locked and there were no station personnel on site.

- b. 47 C.F.R. § 73.3527(a)(2): Local public inspection file: “Every permittee or licensee of an AM, FM or TV station in the non-commercial educational broadcast services shall maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through (e)(11) of this section. At the time of inspection the Public Inspection File was incomplete; it did not contain all the required items.
- c. 47 C.F.R. § 73.3527(e)(5): “Political file. Such records are required by § 73.1943 to be kept concerning broadcasts by candidates for public office. These records shall be retained for the period specified in §73.1943 (2 years).” At the time of the inspection the agent was not able to locate the political file.
- d. 47 C.F.R. § 73.3527(e)(7): “The Public and Broadcasting. At all times a copy of the most recent version of the manual entitled ‘The Public and Broadcasting.’” At the time of the inspection the agent determined that the Public Inspection file did not contain the manual.
- e. 47 C.F.R. § 73.3527(e)(8): "For non-exempt noncommercial broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list for each calendar quarter is to be filed by the tenth day of the succeeding calendar quarter (e.g., January 10 for the quarter October-December, April 10 for the quarter January-March, etc.)... shall be retained in the public inspection file until final action has been taken on the station's next license renewal application." During the inspection the agent observed that KYAF did not have the quarterly Issues and Programs lists for the past six years in the station's Public Inspection File.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Central Valley Educational Services, Inc., must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁶

FCC Rcd 6800 (1992) (*Jones Eastern II*). See also *Birach Broadcasting Corporation*, Notice of Apparent Liability, 25 FCC Rcd 2635 (Enf. Bur. 2010).

⁵ 47 U.S.C. § 308(b).

⁶ 47 C.F.R. § 1.89(c).

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4. In accordance with Section 1.16 of the Rules, we direct Central Valley Educational Services, Inc., to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Central Valley Educational Services, Inc., with personal knowledge of the representations provided in Central Valley Educational Services, Inc. response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in the permittee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, California 94588-8543

6. This Notice shall be sent to Central Valley Educational Services, Inc., at its address of record.

7. The Privacy Act of 1974⁹ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David K. Hartshorn
District Director
San Francisco Office
Western Region
Enforcement Bureau

⁷ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'" 47 C.F.R. § 1.16.

⁸ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).